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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
FERN-P006

First named inventor: Dennis S. Fenandez

Application No.: 09/435,504

Art Unit: 3626

Filed: 11/06/1999

Examiner: Morgan, Robert W.

Title: BIOINFORMATIC TRANSACTION SCHEME

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of request for continued examination (RCE) & amendment (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Dennis S. Fernandez

34,160

Typed or printed name

Registration Number, if applicable

FERNANDEZ &amp; ASSOCIATES, LLP Patent Attorneys

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Address

Telephone Number

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Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Date

Signature

Loursa Toy  
Typed or printed name of person signing certificate

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Dennis S. Fernandez )	Atty. Docket No.: FERN-P006
	)	
Application No.:	09/435,504 )	Art Unit: 3626
	)	
Filing Date:	11/06/1999 )	Examiner: Morgan, Robert W.
	)	
Title:	Bioinformatic Transaction )	
	Scheme )	
	)	

Attention: Office of Petitions

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

This petition under 37 CFR 1.137(b) responds to the Notice of Abandonment mailed 01/14/2009.

**Remarks** begin on page 2.

## **REMARKS**

- 1. The reply required to the outstanding Office action mailed 6-25-2008 was filed as an amendment after final rejection on 8-25-2008.**
- 2. The petition fee as set forth in 37 CFR 1.17(m) is included.**
- 3. The statement under 37 CFR 1.137(b)(3) is below:**

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b)(3) was unintentional. In the present case, Applicant responded to the final office action mailed 6-25-2008 with an after-final amendment filed 8-25-2008. Applicant believed that the amendment placed the application in condition for allowance. The Examiner replied with an advisory action mailed 1-13-2009 which stated that the after-final amendment failed to place the application in condition for allowance. The advisory action period for reply expired on 1) the mailing date of the advisory action; or 2) the date set forth in the final rejection, whichever was later. Therefore, the date to reply expired on the mailing date of the advisory action 1-13-2009. However, Applicant did not receive the advisory action until after the mailing date of 1-13-2009 and thus did not have any time remaining in which to file a timely response. Therefore, the delay in filing the reply was unintentional.

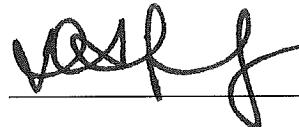
- 4. A terminal disclaimer is not required pursuant to 37 CFR 1.137(d).**

## **CONCLUSION**

For the forgoing reasons, Applicant respectfully requests that this petition under 37 CFR 1.137(b) be granted and approved in the present application.

Respectfully submitted,

Date 01/20/2009



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